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April 9, 1992

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Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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EX PARTE

Re: ET Docket No. 92-9

Federal Communications Commission
Office of the Secretary

Dear Ms. Searcy:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to notify you that the Utilities Telecommunications Council (UTC) made an oral ex parte presentation to the Office of Commissioner Quello on April 9, 1992. Enclosed is a written summary of the presentation.

Should any questions arise concerning this notification, please communicate with the undersigned.

Cordially yours,



Sean A. Stokes
Staff Attorney

Enclosure

cc: Brian F. Fontes
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Federal Communications Commission
Office of the Secretary

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EX PARTE in ET Docket No. 92-9

Summary of UTC's
Petition for Rulemaking

I. Adequate Replacement Spectrum Is Needed

If the 1850-2200 MHz band is used as a "spectrum Reserve," a necessary condition precedent is that the Commission have in place adequate replacement spectrum with appropriate technical characteristics for displaced private microwave systems.

II. The FCC's Replacement Spectrum Proposals Are Inadequate

In ET Docket 92-9, the Commission proposes to grant a blanket waiver of the eligibility requirements for the common carrier and private microwave bands above 3 GHz. The Commission does not, however, plan to waive the technical or channelization requirements of these bands. This approach is unworkable:

- A. The common carrier microwave bands above 3 GHz, as presently configured, are not suitable for the more than 22,000 private microwave facilities currently licensed in the 2 GHz band.
- B. The existing private microwave allocations above 3 GHz are insufficient to accommodate all of the 2 GHz private microwave users.
- C. The OET study did not take the channel bandwidths or other technical characteristics of the higher frequency bands into consideration when it determined the level of available spectrum. For example:
 - 1. The higher bands do not contain an adequate number of narrowband channel pairs to accommodate the 13,000 existing 2 GHz "skinny route" (2.10-2.20 GHz) stations; e.g., there are 24 pairs of 800 kHz channels in the 2 GHz band, but only 5 pairs of 800 kHz channels in the 6 GHz band. As presently configured, the 6 GHz private microwave band would probably be able to accommodate only about one-fourth of the 13,000 "skinny route" private microwave stations in the 2 GHz band.
 - 2. The remaining channels in the 6 GHz private microwave band are 5 or 10 MHz wide, and the common carrier 4 and 6 GHz bands are channelized for generally 20 or 30 MHz bandwidths.

D. The channel loading requirements for the 4 and 6 GHz common carrier bands are such that most private microwave systems, would be ineligible for relocation to these channels.

1. Section 21.710 requires licensees of 4 or 6 GHz common carrier channels to load to a minimum of 900 voice-grade channels (4 kHz or equivalent) within 5 years, or to operate at a minimum data rate of 10 Mb/s.

E. Because of the proliferation of satellite earth receive stations in the 3.7-4.2 GHz band, both licensed and unlicensed, it is doubtful as a practical matter whether this band can absorb any of the displaced 2 GHz operations.

III. Action in Docket 92-9 Should Be Deferred Pending Action In A Separate Rulemaking

Because the NPRM in Docket No. 92-9 does not propose any changes in any of the technical or operational rules, resolution of these issues would be beyond the scope of 92-9. The Commission should therefore defer action in Docket No. 92-9, and initiate a separate rulemaking proceeding to revise the technical and coordination rules to make additional spectrum available for private microwave systems.

IV. Frequency Allocations and Technical Rules Needed for Private Microwave Systems

1710-1850 MHz Government Band

- A. There are no restrictions on the FCC's ability to enter into negotiations with NTIA regarding sharing of this currently-exclusive government band.
- B. Relocation of displaced 2 GHz microwave users to the 1.71-1.85 GHz band would cause the least disruption to on-going 2 GHz operations, since the propagation characteristics of both bands are nearly identical and the cost of such a relocation would be substantially less than a shift to a higher band.
- C. Any shared use of this band with the Federal government would have to ensure that the Federal users of the band experience no interference to their existing operations.
- D. In a just-released Spectrum Resource Assessment (SRA), NTIA has confirmed the suitability of the 1.71-1.85 GHz

band for shared use by private microwave systems. The SRA reveals that of the 5,539 frequency assignments currently listed in the Government Master File (GMF) for the 1.71-1.85 GHz band, about 4,840 (87%) are in the fixed service for point-to-point, line-of-sight, operations.

4 GHz Common Carrier Band

- A. The 3.7-4.2 GHz (4 GHz) common carrier band should be made available for routine licensing in the Private Operational Fixed Microwave Service on a co-primary basis.
- B. The 4 GHz band should be rechannelized into 1.6 MHz, 5 MHz and 10 MHz bandwidth channels that would be available for "stacking" to accommodate systems with wider bandwidth requirements. Loading requirements for this band should be eliminated for private microwave systems.
- C. Because of the proliferation of earth stations in the 4 GHz band the Commission should designate at least 80 MHz (e.g., 40 MHz from either end of the band) as being available to the Fixed-Satellite Service on a secondary-only basis, thereby limiting primary use of this spectrum to the Fixed Services under Parts 21 and 94.

6 GHz Common Carrier Band

- A. The 5.925-6.425 GHz (6 GHz) common carrier band should be made available for routine licensing on a co-primary basis in the Private Operational Fixed Microwave Service.
- B. The 6 GHz common carrier band also should be rechannelized into 1.6 MHz, 5 MHz and 10 MHz bandwidth channels that would be available for "stacking" in order to accommodate systems with wider bandwidth requirements. Loading requirements for this band should be eliminated for private microwave systems.

11 GHz Common Carrier Band

- A. The 10.7-11.7 GHz (11 GHz) band should be made available for routine licensing on a co-primary basis in the Private Operational Fixed Microwave Service. Loading requirement for this band should be eliminated for private microwave systems.

V. The FCC Should Establish An Industry Advisory Committee

Because the current common carrier microwave interference standards do not provide the degree of protection that many public safety/public service microwave systems require, the FCC should convene an industry advisory committee to develop new technical requirements and interference criteria for the 4, 6 and 11 GHz common carrier bands.